

MAJOR SITE PLAN REVIEW



1) Purposes and Intent.

The purposes of Major Site Plan Review are to promote public health, safety and welfare by encouraging the laying out of parking, circulation, and buildings in a safe and convenient manner, to ensure that developments are designed to protect and enhance the quality of life in the Town, to minimize adverse effects on surrounding areas, and to provide for an adequate review of developments that may have significant impacts on traffic, drainage, town services, environmental quality and community character.

2) Applicability.

- a) Except proposals for single-family or two-family use, all development proposals are subject to Site Plan approval by the Planning Board if proposing any of the following uses or activities:
 - (1) New commercial, industrial or multi-family development and all additions, alterations or reconstruction of existing development exceeding 200 square feet of gross floor area;
 - (2) Any development requiring a total of three (3) or more off street parking spaces, considering both existing and new development;
 - (3) Construction or creation of any new parking lot or the expansion, or redesign of an existing parking lot used or to be used for non-residential purposes;
 - (4) All uses requiring a special permit;
 - (5) Municipal or institutional uses; or
 - (6) Removal or disturbance of existing vegetative ground cover from more than 1,000 square feet of site area, unless incidental to earth removal authorized by Section 23005 of the Chatham General Bylaws or carried out as part of an exempt agricultural use.
- b) No building permit shall be issued for any development subject to this Section, and no construction or site preparation shall be started, unless a Site Plan has been approved for it by the Planning Board, except as provided under Section 3-f.
- c) No occupancy permit shall be issued for any building subject to this Section unless such building and all its related facilities have been completed according to the approved Site Plan. No activity subject to site plan approval shall be conducted on the site unless, in the opinion of the Building Commissioner, the development or approved phase thereof has been substantially completed according to the approved Site Plan, and unless the proposed activity was

reviewed and approved by the Planning Board during the Major Site Plan Review process.

- d) Approval of a Site Plan under this section shall not substitute for the requirement of obtaining a special permit or other approvals as required by the Zoning Bylaw or other applicable bylaws or statutes.

3) Procedures.

- a) Applicants are encouraged to meet with the Town Planner prior to submitting an application for Site Plan Review with the Planning Board.
- b) A Site Plan application shall be submitted to the Town Planner, who shall forthwith make a determination of whether the materials are complete, and if they are not, shall so notify the Applicant, the Building Commissioner and the Planning Board. Prior to filing a Site Plan application package with the Planning Board, which shall consist of ten (10) copies of all submittal requirements listed in Section 5, the Applicant shall distribute one copy of the application package to each of the following town boards or departments: Building Commissioner, Department of Public Works, Conservation Commission, Board of Health, Water Superintendent, Fire Department and Traffic Study Committee. For development on land in the Historic Business District, one copy of the Site Plan application package shall also be submitted to the Historic Business District Commission. Certification that a copy of the application package was delivered to each office shall be included in the Site Plan application submitted to the Planning Board.
- c) The Applicant shall attend a pre-hearing discussion at a regular public meeting of the Planning Board no later than 35 days after submitting a complete Site Plan, and a public hearing no later than 49 days after submitting a complete Site Plan application. The notice, posting, and publication of the public hearing shall be in accordance with the provisions of G.L. c.40A, Section 11, and the Planning Board's regulations and procedures. All mailing costs shall be borne by the applicant.
- d) Boards and departments provided with a copy of the Site Plan application shall report their comments to the Planning Board no later than the time of the public hearing.
- e) The Planning Board may continue the public hearing as necessary within a 90-day review period in order to consider the Site Plan application. Unless the Applicant agrees in writing to extend the review period, the Planning Board shall provide conditions if any, in writing, to the Building Commissioner within 90 days of the date of submission.
- f) If no action is taken within 90 days of the date of submission, the Site Plan application shall be deemed approved. In this case, the Building Commissioner shall issue a Certificate of Constructive Approval and file such Certificate with

- the Town Clerk within 15 days of the Planning Board's failure to act. Appeals to the Certificate of Constructive Approval may be filed within 30 days of the date the decision was filed with the Town Clerk, as provided in G.L., Chapter 40A, Sections 8 and 15. Upon expiration of the statutory appeal period without appeal, the Building Commissioner may issue a building permit provided that all other applicable requirements of the Chatham Zoning Bylaw and the Chatham General Bylaws have been met.
- g) One copy of the approved Site Plan shall be provided each to the applicant, the Building Inspector, the Highway and Water Departments, Police and Fire Departments, the Conservation Commission and the Board of Health. One copy of the approved Site Plan shall remain in the records of the Planning Board. In addition, one copy shall be provided to the Historic Business District Commission for any approved Site Plan involving land in the Historic Business District.
- 4) Submittal Requirements. A Major Site Plan Review application package shall include the following materials unless the Planning Board agrees in writing, prior to submittal, to waive any materials not relevant to a proposed development.
- a) Scale, elevations and locus map. The site plan shall be at a scale not to exceed one inch equals forty feet (1"=40') or such other scale as the Planning Board may allow to adequately show detail. Profiles of each individual street or service road shall be provided at a vertical scale not to exceed one inch equals four feet (1"=4').¹ Elevations shall refer to the bench mark or datum utilized. Sheet size shall be twenty-four by thirty-six (24 x 36) inches including a one-inch border. All plans shall be accompanied by a locus map at one (1) inch equals two thousand (2,000) feet.
- b) Site plan contents. The site plan shall include one or more appropriately scaled maps or drawings of the property, stamped by a Massachusetts Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, except that the water and sewer portion of the Site Plan must be stamped by a Registered Professional Engineer. At minimum, a Site Plan submittal shall include:
- (1) A narrative describing the nature and location of the project and the site, including a legal description of the property; complete dimensions and area; the zoning classification(s) that apply to the property; assessor's map and lot numbers; the proposed building or addition size with a breakdown of proposed use(s); calculation of existing and proposed lot coverage; a

¹ At the Board's request, this section has been changed to a "scale not to exceed 1"=40' instead of a scale equal to 1"=40'. When Major Site Plan Review comes back before the Planning Board later in the zoning revision process, we think this change should be reconsidered. It would seem better to require a consistent scale for all site plans than to receive plans at different scales.

description of measures the applicant proposes to prevent soil erosion and storm water runoff during construction; estimated cost of all site improvements; projected public water demand, if any; projected number of employees, hours of operation and description of shifts, where applicable; projected parking spaces required for the development, based on proposed use(s) or number of employees, as applicable; the name and address of the property owner and the applicant, if different from the property owner, evidence of site control such as a deed, purchase and sales agreement, or lease, and evidence of the owner's authorization for the applicant to discuss proposed plans for the property with the Planning Board; a description of the applicant's plans for ongoing site maintenance following project completion; and a discussion of how the proposed development conforms to the Chatham Comprehensive Plan.

- (2) The names and addresses of all abutting property owners within 300 feet, certified by the Board of Assessors, on a form prescribed by the Planning Board, and evidence of abutter notification by certified mail, return receipt requested, in accordance with the Planning Board's rules and regulations.²
- (3) A Site Plan that contains:
 - (a) A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the Registered Professional Engineer, Architect or Landscape Architect.
 - (b) A signature line for the Planning Board.
 - (c) North arrow and benchmarks used.
 - (d) A locus plan at a scale of one inch equals 2,000 feet (1"=2,000').
 - (e) Parcel lot lines for the proposed project and surrounding parcels.
 - (f) Location, footprint, height and use of all existing and proposed buildings or structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 300 feet of the site boundaries, walkways, service areas, parking spaces, loading areas, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities.

² The additional clause here may not be needed by the time the "Administration" section of the bylaw is written. The procedures for abutter notification should be consistent for all site plan and special permit applications.

- (g) Proposed surface treatment of paved areas and the location and design of drainage systems with drainage calculations prepared by a registered professional engineer.
- (h) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods, noting applicable approvals, if received.
- (i) Existing and proposed topographical contours of the property, taken at a minimum contour interval of two feet by a registered professional engineer or registered land surveyor.
- (j) Vegetation, indicating areas of retained vegetation, the location of any trees of more than eight inches in diameter and specimen trees of more than four inches in diameter, both measured as diameter at breast height (dbh), including trees located in the road right of way, and other unique natural features.
- (k) The location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, G.L. c. 131, Section 40, and Chapter 37, Chatham Wetlands Protection Bylaw, or any successor statutes and bylaws thereto, including regulatory buffer zones or setbacks from resource areas, identified through field survey acceptable to the Conservation Commission; Flood Plain and Floodway boundaries; and erosion control measures.
- (l) Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.
- (m) Location of the site in relation to any Areas of Critical Environmental Concern (ACEC) designated by the Commonwealth of Massachusetts, Executive Office of Environmental Affairs.
- (n) Lighting plan showing the location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.
- (o) Landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps, paths and other walkways and or sidewalks; provided, however, that for developments subject to review by the Historic Business District Commission, the landscaping plan shall be prepared in accordance with the Rules and Regulations of that Commission.
- (p) Location and description of all proposed open space.

- (q) Location, height and size of all proposed signage.
 - (r) Additional information that may be required by the Planning Board, as reasonably necessary, to make determinations required by this Bylaw.
 - (s) A table of information showing how the plan conforms to the Zoning Bylaw.
 - (t) For development not subject to review by the Historic Business District Commission, the Site Plan submittal may include existing and proposed architectural elevations for new construction, additions or alterations.³
- (4) Analysis of environmental impacts. The Applicant shall submit an analysis of existing and expected post-development environmental conditions, including but not limited to measures proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, minimize noise levels, prevent harmful or noxious emissions, and damage or threat to wetlands and flood plain, and the visual environment. Potential smoke, odors, vibration and electromagnetic radiation shall be identified and addressed. Waste disposal and off-site environmental drainage impacts shall be discussed.
 - (5) Analysis of traffic impacts. The Applicant shall submit estimated average daily traffic and peak hour traffic to be generated by the development. A traffic impact plan shall be required indicating impacts, if any, to surrounding intersections servicing the project site if the proposed development generates more than 250 vehicle trips per day as determined by the most current edition of the Trip Generation Manual published by the Institute of Traffic Engineers (ITE). The Planning Board may, in its discretion, require the Applicant to prepare a traffic study.
 - (6) Analysis of community impacts. Upon request from the Planning Board, the Applicant shall submit an assessment of existing and projected demand for municipal services, revenues to the Town and fiscal or economic impacts.
 - (7) The Site Plan filing fee as determined by the Planning Board's regulations.

³ Receipt of building elevations is a standard site plan review requirement in most communities. We recommend that this be retained unless the Planning Board/HBDC subcommittee advises otherwise and the Planning Board agrees.

- 5) Major Site Plan Review Criteria. The Planning Board shall approve a Site Plan, with or without conditions, only upon finding that:
- a) The proposed development:
 - (1) complies with the Site Development Standards of this Bylaw, as applicable;
 - (2) provides for convenience and safety of vehicular and pedestrian movement within the site and egressing from it, such as by the location of driveway openings in relation to traffic and/or adjacent streets and the placement, height and size of signage;
 - (3) provides adequate access to each building or structure for fire and service equipment;
 - (4) provides general site compatibility of buildings, lighting and signs by virtue of their location, arrangement, size and functional design;
 - (5) provides a visual and/or noise buffer between the applicant's property and adjoining land, considering the adequacy, type and arrangement of trees, shrubs and other landscaping, including maximum retention of existing vegetation;
 - (6) protects adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
 - (7) meets the Off-Street Parking and Loading requirements of the Zoning Bylaw in a manner that reduces the visual intrusion of parking areas viewed from public ways or abutting premises;
 - (8) comports with the purposes of the Chatham Comprehensive Plan;
 - (9) protects and enhances significant features of the site, natural or man-made;
 - (10) protects adjoining premises by providing adequate surface water drainage and sound or light barriers, by preserving light and air, and by preserving views whenever possible; and
 - (11) will not create a nuisance of noise, odor, smoke, vibration, traffic generated, unsightliness or other conditions detrimental to the public good.
 - b) Adequate provisions have been made to protect surface and ground water resources from adverse effects of the development.

- c) Adequate provisions have been made for wastewater disposal, as determined by the Board of Health in accordance WITH state and local septic system regulations.⁴
 - d) Adequate capacity is available on affected streets to accommodate the proposed development, based on the analysis of traffic impacts submitted with the Site Plan application or a traffic study required by the Planning Board. If a development is projected to cause a decrease in level of service (LOS) over existing conditions on affected streets, the Planning Board, at its sole discretion, may require implementation of mitigation measures and/or Transportation Demand Management (TDM) measures to restore the LOS to the existing condition.
 - e) There are no zoning violations.
 - f) For any development not subject to review by the Historic Business District Commission, the Planning Board shall also find that the proposed development is appropriately designed for the site, considering the location, arrangement, design, size and general site compatibility of buildings, lighting and signs; is compatible with adjacent properties; and conforms to the maximum extent feasible to any design guidelines adopted by the Planning Board for the area or zoning district in which the site is located.⁵
- 6) Site Development Standards. Applicants must make every reasonable effort to achieve consistency with the following site development standards:
- a) Developments shall preserve and protect significant natural features that are important to the site, the surrounding area, or the Town as a whole.
 - b) Developments shall protect slopes in excess of ten (10%) percent against erosion, runoff, and unstable soil, trees and rocks. Appropriate measures shall be taken to stabilize the land surface from unnecessary disruption. Stabilization measures shall be the responsibility of the Applicant.

⁴ The Planning Board needs to decide whether to cite the Board of Health's Interim Nitrogen Loading Regulations here. In my opinion, thresholds and procedures for a nitrogen loading analysis do not belong in Major Site Plan Review. If they are to be addressed in zoning, the more appropriate place is a section on Environmental Performance Standards, i.e., Supplemental Regulations.

⁵ This section will be revisited later; see also, f. 3. If the Planning Board decides to eliminate architectural elevations as part of the site plan submission requirements, then the above 5(f) should be deleted as well. Alternatively, the Board may prefer to retain a more general reference to design review for projects outside the HBD but strike the following words: "and conforms to the maximum extent feasible to any design guidelines adopted by the Planning Board for the area or zoning district in which the site is located."

- c) Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
- d) All roadway and driveway design shall take into consideration safe sight distances at intersections and along all traveled ways, as determined by the Chatham Public Works Department. Clear sight distances shall take into account topography, density of dwelling units or intensity of use, and horizontal and vertical alignment. The applicant shall use all commercially reasonable measures to achieve adequate clear sight distance without removing obstructions that have scenic, natural or historical significance as determined by the Planning Board.
- e) Developments shall provide adequate illumination of parking lots and other areas for vehicular and pedestrian circulation. In a residential district, no freestanding illumination devices shall be installed to a height exceeding fifteen (15') feet. All illumination shall be directed and/or shielded so as not to shine beyond the perimeter of the site or interfere with traffic.
- f) All areas designed for vehicular use shall be surfaced consistent with current Town standards. All parking spaces shall be arranged and clearly marked in accordance with the Off-Street Parking and Loading requirements of the Zoning Bylaw.
- g) For pedestrian safety, all pedestrian walkways that cross or extend along the perimeter of any parking area shall be composed of a raised, textured or color-treated surface that is visually distinctive.
- h) All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, telephone and cable lines shall, whenever practicable, be placed underground.
- i) All surface water runoff from structures and impervious surfaces shall be collected on site, but in no case shall surface water drainage be directed across sidewalks or public or private ways. In no case shall surface water runoff be drained directly into wetlands or water bodies. Drainage systems shall be designed to minimize the discharge of pollutants by providing appropriately-designed vegetated drainage channels and sedimentation basins that allow for adequate settling of suspended solids and maximum infiltration. Dry wells, leaching pits and other similar drainage structures may be used only where other methods are not practicable. Oil, grease, and sediments traps to facilitate removal of contaminants shall precede all such drainage structures.
- j) Exposed storage areas, machinery, garbage dumpsters, recyclable storage, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets. Garbage dumpsters shall be located in designated areas, and where feasible, shared with other uses.

- 7) As-Built Plan. Prior to the issuance of an occupancy permit or the release of a construction bond, an as-built plan and a letter of certification shall be submitted to the Building Commissioner and the Planning Board by a Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved Site Plan. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.
- 8) Performance Guarantee.
 - a) As a condition of Site Plan approval, the Planning Board will require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Planning Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The amount of security shall be 125% of the full cost of all site improvements as determined by an estimate from the applicant's engineer, which may be confirmed or increased by the Board. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements.
 - b) The Town may use the secured funds for their stated purpose in the event that the Applicant does not complete all improvements in a manner satisfactory to the Planning Board within two years from the date of approval, or the final date of the last extension of such approval, if any.
- 9) Duration of Approval. Site Plan approval shall become void if in the opinion of the Planning Board substantial construction has not commenced within two years from the date of issue, which two years shall not include time required to pursue or await determination of an appeal referred to in G.L. c.40A, Section 15, unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to completion. A request for extension of the date of completion must be submitted to the Planning Board in writing no less than 30 days prior to the date of expiration.
- 10) Planning Board Regulations. In accordance with Article ____, the Planning Board may adopt regulations, procedures and guidelines to implement this Bylaw.
- 11) Fees. Major Site Plan Review fees shall be governed and established by the Planning Board as part of its regulations and procedures and shall be assessed to the owner and/or the Applicant. Such fee may include a deposit for engineering, architectural or other peer review by a consultant selected by the Planning Board.
- 12) Appeals. Any person aggrieved by his or her inability to obtain site plan approval by the Planning Board or any final action by the Planning Board in connection with any site plan shall have the right to appeal to the Zoning Board of Appeals in accordance

with the procedures set forth in G.L. c.40A, Section 8 and the Zoning Board of Appeals shall have the right to hear such appeals.